

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/558,884

§ Filing Date: 29 November 2005

Title: IMPROVED  
DORSIFLEXION SHOE

§  
§ Confirmation No.: 6123

Applicant: FUCHSLOCHER, Joerg et al.

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§  
§ Docket No.: PUS-S011-001N

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**SUBMISSION VIA: EFS Registered eFiling**

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MS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AFTER NOTICE OF ALLOWANCE AND  
REQUEST FOR CONTINUED EXAMINATION**

Dear Sir or Madam,

In response to the Notice of Allowance dated March 31, 2011, Applicant requests that the following amendments beginning on page 3 of this paper, be entered and considered in light of the Remarks which begin on page 6 of this paper, as well as the Applicant's Request for Continued Prosecution.

Applicant has made a diligent effort to advance the prosecution of this application by cancelling claims, by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made without prejudice and solely for the purpose of expediting the prosecution of the application. Unless otherwise expressly stated, the amendments are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned

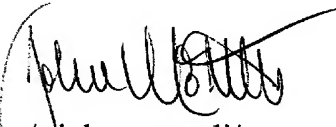
at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at [moetteli@patentinfo.net](mailto:moetteli@patentinfo.net).

Applicant petitions the Commissioner for an Extension of Time under 37 CFR §1.136 for a period of \_X\_ months and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,

Date :

June 24, 2011



/s/ john moetteli/  
John MOETTELI  
U.S. Reg. No. 35,289

Enclosure: Amendments  
Remarks  
RCE Form

In the Claims:

The following amended claims replace all prior versions of the claims in the application.

1. (cancelled).
2. (cancelled).
3. (currently amended) The shoe of claim 10, wherein ~~the~~ sidewall portions (22) extend upwardly from the sole portion to a circumferential edge (13) which surrounds the wearer's foot (40) and wherein the circumferential edge (13) is higher in the heel region (34) than in the forefoot region (30), thus giving the outward appearance of a plantarflex shoe.
4. (cancelled).
5. (cancelled).
6. (previously presented) The shoe of claim 10, wherein the at least one insert (66, 162, 180, 182, 184, 186, 190) includes slits (200) for defining the bending moment of inertia of the insert.
7. (previously presented) The shoe of claim 10, wherein the at least one insert (66, 162) extends from the forefoot region (30) to the midfoot region (32).
8. (previously presented) The shoe of claim 10, wherein the at least one insert (66, 162, 180) extends from the forefoot region (30) to an area adjacent the cuniform bones of the wearer.
9. (previously presented) The shoe of claim 10, wherein the at least one insert (184, 186, 190) extends from the forefoot region (30) to the heel portion (34).
10. (currently amended) A high performance dorsiflexion shoe for enveloping a foot (40) of a wearer, including the wearer's metatarsal-phalangeal joint (20), the shoe comprising
  - (a) a sole portion (24) having a ground-contacting surface (26), a forefoot region (30), a midfoot region (32) and a heel portion (34), and
  - ~~— (b) a constraining device (16) above the metatarsal-phalangeal joint;~~

wherein the forefoot region is made of a ~~high density material~~ which, and has a thickness, measured in a direction perpendicular to the ground-contacting surface of the sole portion, greater than the thickness of the heel portion, thereby defining a dorsiflexion shoe having a characteristic angle ( $\alpha$ ) of declination from the forefoot region to the heel portion;

~~wherein the constraining device substantially constrains a wearer's metatarsal-phalangeal joints from movement when exercising;~~

wherein the forefoot region has a curved form defined so as to further minimize flexion of the metatarsal-phalangeal joint during walking or running;

~~wherein the sole portion (24) is a component of a shell (12) which includes sidewall portions extending upwardly from the sole portion;~~

~~wherein the forefoot region includes at least one hard, high density insert formed to follow the curvature of the sole portion;~~

wherein ~~the~~ at least one insert is disposed in the forefoot region and includes reinforcing ribs having a shore hardness of between 20 and 90; and

wherein at least a portion of a surface of the insert on which the ribs (90) are formed passes through a softer endo layer (92) and thus, presents an exposed surface (91).

11. (original) The shoe of claim 10, wherein the at least one insert (66, 162, 180, 182, 184, 186, 190) is molded of a color different from the sole, so as to prominently expose the form of the ribs (90) on an outside surface (91) of the shoe (10).
12. (previously presented) The shoe of claim 10, wherein the angle ( $\alpha$ ) of declination is within the range of 1 degree to 15 degrees, preferably 5 degrees.
13. (previously presented) The shoe of claim 10 wherein the forefoot region (30) includes a reinforced, padded toe portion (64).
14. (previously presented) The shoe of claim 10, wherein the heel portion (34) is substantially comprised of a low density, viscous-like material.
15. (previously presented) The shoe of claim 10 wherein the forefoot region (30) has a varying thickness defining a ground contact surface (26) of a curved form which mimics the function of natural metatarsal-phalangeal flexion.
16. (previously presented) The shoe of claim 10, wherein the insert (180, 182) includes a

straight portion, extending approximately from the heel portion (34) to the forefoot region (30), and a curved portion (28), substantially tangentially extending from the straight portion, and then curving upward about the toe.

Claims 17-36 (Cancelled)

## REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

The amendments made herein remove limitations which Applicant considers superfluous, not believed to be necessary to distinguish the invention over the cited prior art. Applicant requests the Examiner's confirmation of this fact in light of the attached Request for Continued Examination. Concerning the Examiner's amendment cancelling claims, Applicant intends to pursue these claims in a later filed divisional application, and so consents to their being cancelled without prejudice to the filing of a divisional or continuation application thereon.